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Japan, Qatar, Saudi Arabia, Ukraine and United States of America: draft resolution

Situation of human rights in the Syrian Arab Republic

The General Assembly,

Guided by the Charter of the United Nations,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenants on Human Rights,[2]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012, 67/262 of 15 May 2013, 68/182 of 18 December 2013, 69/189 of 18 December 2014, 70/234 of 23 December 2015, 71/130 of 9 December 2016, 71/203 of 19 December 2016 and 71/248 of 21 December 2016 and Human Rights Council resolutions S-16/1 of 29 April 2011,[3] S-17/1 of 23 August 2011,[3] S-18/1 of 2 December 2011,[4] 19/1 of 1 March 2012,[5] 19/22 of 23 March 2012,[5] S-19/1 of 1 June 2012,[6] 20/22 of 6 July 2012,[7] 21/26 of 28 September 2012,[8] 22/24 of 22 March 2013,[9] 23/1 of 29 May

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.
[4] Ibid., *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.
[5] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.
[6] Ibid., chap. V.
[7] Ibid., chap. IV, sect. A.
[8] Ibid., *Supplement No. 53A* (A/67/53/Add.1), chap. III.
[9] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

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2013,[10] 23/26 of 14 June 2013,[10] 24/22 of 27 September 2013,[11] 25/23 of 28 March 2014,[12] 26/23 of 27 June 2014,[13] 27/16 of 25 September 2014,[14] 28/20 of 27 March 2015,[15] 29/16 of 2 July 2015,[16] 30/10 of 1 October 2015,[17] 31/17 of 23 March 2016,[18] 32/25 of 1 July 2016,[19] 33/23 of 30 September 2016[20] and S-25/1 of 21 October 2016,[21] 34/26 of 24 March 2017,[22] 35/26 of 23 June 2016[23] and 36/20 of 29 September 2017,[24] and Security Council resolutions 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012, 2118 (2013) of 27 September 2013, 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014, 2170 (2014) of 15 August 2014, 2178 (2014) of 24 September 2014, 2191 (2014) of 17 December 2014, 2209 (2015) of 6 March 2015, 2235 (2015) of 7 August 2015, 2258 (2015) of 22 December 2015, 2268 (2016) of 26 February 2016, 2286 (2016) of 3 May 2016, 2314 (2016) of 31 October 2016, 2319 (2016) of 17 November 2016, 2328 (2016) of 19 December 2016, 2332 (2016) of 21 December 2016 and 2336 (2016) of 31 December 2016, and the statements by the President of the Council of 3 August 2011,[25] 2 October 2013[26] and 17 August 2015,[27]

Strongly condemning the grave deterioration of the human rights situation in the Syrian Arab Republic, the indiscriminate killing and deliberate targeting of civilians as such, including those involving the continued indiscriminate use of heavy weapons and aerial bombardments, which has caused more than 400,000 fatalities, including the killing of more than 17,000 children, the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including by the starvation of civilians as a method of warfare and the use of chemical weapons, including chlorine gas, sarin and sulphur mustard, which are prohibited under international humanitarian law, and acts of violence that foment sectarian tensions by the Syrian authorities against the Syrian population,

Noting with deep concern the culture of impunity for serious violations of international law and violations and abuses of human rights law committed during the present conflict, which has provided a fertile ground for further violations and abuses,

Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar'a in March 2011, and noting that the violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and violent extremist groups, and terrorist groups, including so-called ISIL (also known as Da'esh),

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[10] Ibid., chap. V, sect. A.
[11] Ibid., *Supplement No. 53A* (A/68/53/Add.1), chap. III.
[12] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.
[13] Ibid., chap. V, sect. A.
[14] Ibid., *Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.
[15] Ibid., *Seventieth Session, Supplement No. 53* (A/70/53), chap. II.
[16] Ibid., chap. V, sect. A.
[17] Ibid., *Supplement No. 53A* (A/70/53/Add.1), chap. II.
[18] Ibid., *Seventy-first Session, Supplement No. 53* (A/71/53), chap. II.
[19] Ibid., chap. IV, sect. A.
[20] Ibid., *Supplement No. 53A* and corrigendum (A/71/53/Add.1 and Corr.1), chap. II.
[21] Ibid., *Supplement No. 53B* and corrigendum (A/71/53/Add.2 and Corr.1), chap. II.
[22] *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect A.
[23] Ibid., chap. V, sect. A.
[24] Ibid., *Supplement No. 53 A* (A/72/53/Add.1), chap. III.
[25] S/PRST/2011/16; see *Resolutions and Decisions of the Security Council, 1 August 2011–31 July 2012* (S/INF/67).
[26] S/PRST/2013/15; see *Resolutions and Decisions of the Security Council, 1 August 2013–31 July 2014* (S/INF/69).
[27] S/PRST/2015/15.

Recalling also the specific obligations under international humanitarian law to respect and protect, in situations of armed conflict, medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, and hospitals and other medical facilities, and to ensure that the wounded and sick receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required, recalling also that, under international law, attacks intentionally directed against hospitals and places where the sick and wounded are collected, provided that they are not military objectives, as well as attacks intentionally directed against buildings, material, medical units and transport and personnel using the distinctive emblems of the Geneva Conventions of 12 August 1949[28] in conformity with international law are war crimes, and recalling the applicable rules of international humanitarian law relating to the non-punishment of any person for carrying out medical activities compatible with medical ethics,

Expressing grave concern at the disproportionate use of force by the Syrian authorities against civilians, which has caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the failure of the Syrian authorities to protect its population and to implement the relevant resolutions and decisions of United Nations bodies,

Expressing grave concern also at the remaining presence of extremism and violent extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular so-called ISIL (also known as Da'esh), Al-Nusrah Front, Al-Qaida-affiliated terrorist groups, and militias fighting on behalf of the regime, and other violent extremist groups,

Expressing its deepest concern about the latest findings of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism that the Syrian Arab Armed Forces were responsible for the use of sarin as a chemical weapon in Khan Shaykhun in April 2017, and that so-called ISIL (also known as Da'esh) used sulfur mustard in Umm Hawsh in September 2016, as well as previous findings of at least three chlorine attacks by the Syrian Arab Republic and one mustard attack by so-called ISIL (also known as Da'esh), reaffirming the principles of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction,[29] and the determination of the States parties to the Convention "for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention", and noting that the Convention entered into force in the Syrian Arab Republic on 14 October 2013,

Expressing support for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, and strongly condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Noting with serious concern the observation of the Commission of Inquiry that, since March 2011, the Syrian authorities have conducted widespread attacks against the civilian population as a matter of policy,

Noting with serious concern also the observation of the Commission of Inquiry that non-State armed groups still resort to the use of force against civilians,

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[28] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

[29] Ibid., vol. 1974, No. 33757.

Strongly condemning the reported killing of detainees in Syrian military intelligence facilities and the widespread practice of enforced disappearance, arbitrary detention and the use of sexual and gender-based violence and torture in detention centres referred to in the reports of the Commission of Inquiry, including, but not limited to, Branch 215, Branch 227, Branch 235, Branch 251, the Air Force Intelligence Investigation Branch at Mezzeh military airport and Sednaya prison, including the reported practice of mass hangings by the authorities, as well as the reported killing of detainees at military hospitals, including Tishreen and Harasta hospitals,

Recalling the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, noting the repeated encouragement by the High Commissioner for the Security Council to refer the situation to the International Criminal Court, and regretting that a draft resolution[30] was not adopted notwithstanding broad support from Member States,

Expressing its deepest concern about the findings of the Commission of Inquiry and also the allegations contained in the evidence presented by "Caesar" in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

Expressing concern that the implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015) of 18 December 2015, 2258 (2015), 2268 (2016) and 2286 (2016) remains largely unfulfilled, and noting the urgent need to strengthen efforts to address the humanitarian situation in the Syrian Arab Republic, including through protection of civilians and full, immediate, unimpeded and sustained humanitarian access,

Recalling its commitment to Security Council resolutions 2170 (2014), 2178 (2014), and 2253 (2015) of 17 December 2015,

Alarmed that more than 5.3 million refugees, including more than 3.8 million women and children, have been forced to flee the Syrian Arab Republic and that 13.6 million people in the Syrian Arab Republic, of whom 6.5 million are internally displaced, require urgent humanitarian assistance, which has resulted in an influx of Syrian refugees into neighbouring countries, other countries in the region and beyond, and alarmed at the risk the situation presents to regional and international stability,

Expressing its profound indignation at the death of more than 17,000 children and the many more injured since the beginning of the peaceful protests in March 2011, and at all grave violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape, kidnapping and abductions and attacks on schools and hospitals, as well as their arbitrary arrest, detention, torture, ill-treatment and their use as human shields,

Expressing its deep appreciation for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrians, while acknowledging the increasing financial, socioeconomic and political impact of the presence of large-scale refugee and displaced populations in those countries, notably in Lebanon, Jordan, Turkey, Iraq, Egypt and Libya,

Underscoring the critical need to build conditions for the safe and voluntary return of refugees and internally displaced persons to their home areas and the

[30] S/2014/348.

rehabilitation of affected areas, in accordance with international law, including applicable provisions of the Convention relating to the Status of Refugees[31] and the Protocol thereto,[32] and taking into account the interests of those countries hosting refugees,

Welcoming the hosting by the Government of Kuwait of the First, Second and Third International Humanitarian Pledging Conferences for Syria, held on 30 January 2013, 15 January 2014 and 31 March 2015, expressing its deep appreciation for the significant pledges of humanitarian assistance that have been made, welcoming the initiative of the co-hosts of the London conference and Brussels conference on supporting the Syrian Arab Republic and the region on 4 February 2016 and 5 April 2017, respectively, and renewing its call upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to disburse all previous pledges,

Welcoming the efforts of the United Nations and the League of Arab States and all diplomatic efforts to achieve a political solution to the Syrian crisis based on the final communiqué of the Action Group for Syria of 30 June 2012,[33] and consistent with Security Council resolution 2254 (2015),

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria, with a view to the protection of the civilian population and the full implementation of the Syrian political process that establishes credible, inclusive and non-sectarian governance, in accordance with the final communiqué and consistent with Security Council resolutions 2254 (2015) and 2258 (2015), urging the Special Envoy to pave the way for the negotiation of a genuine political transition, noting with appreciation the mediation efforts to facilitate the establishment of a ceasefire in the Syrian Arab Republic, as noted by the Security Council in its resolution 2336 (2016), and supporting the efforts to end violence, while expressing deep concern at the violations, demanding that all parties to the ceasefire in the Syrian Arab Republic respect their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence to ensure respect for those commitments and the full implementation of those resolutions, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic, and to bring to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

1. *Strongly condemns* the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law committed in the Syrian Arab Republic, and the indiscriminate and disproportionate attacks in civilian areas and against civilian infrastructure, in particular attacks on medical facilities and schools, which continue to claim civilian lives, and demands that all parties comply with their obligations under international humanitarian law;

2. *Deplores and condemns in the strongest terms* the continued armed violence by the Syrian authorities against its own people since the beginning of the peaceful protests in 2011, and demands that the Syrian authorities immediately put an end to all attacks on its own people, take all feasible precautions to avoid , and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects and meet their responsibilities to protect the Syrian population

[31] United Nations, *Treaty Series*, vol. 189, No. 2545.
[32] Ibid, vol. 606, No. 8791.
[33] Security Council resolution 2118 (2013), annex II.

and immediately implement Security Council resolutions 2254 (2015), 2258 (2015) and 2286 (2016);

3. *Urges* all Member States, especially the members of the International Syria Support Group, to create conditions for continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations, by working towards the nationwide ceasefire, to enable full, immediate and safe humanitarian access and to lead to the release of those arbitrarily detained, consistent with Security Council resolution 2254 (2016), as only a durable and inclusive political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

4. *Strongly condemns* any use of any chemical weapons, such as chlorine, sarin and sulphur mustard, by any party as a weapon in the Syrian Arab Republic, and also demands that the Syrian regime and so-called ISIL (also known as Da'esh) immediately desist from any further use of chemical weapons;

5. *Reaffirms* its condemnation, in the strongest possible terms, of the use of chemical weapons by anyone under any circumstances, emphasizing that any use of chemical weapons anywhere, at any time, by anyone, under any circumstances, is unacceptable and is a violation of international law, and expressing its strong conviction that those individuals responsible for the use of chemical weapons must and should be held accountable;

6. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors, and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable, and calls for a significant enhancement of the verification measures of the Organization for the Prohibition of Chemical Weapons;

7. *Strongly condemns* the use, on 4 April 2017, of sarin gas by the Syrian Arab Republic in Khan Shaykhun, which led to approximately one hundred civilian deaths, including children and relief workers, as confirmed by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism in its report[34] and in the report of the Commission of Inquiry of 8 August 2017,[35] condemns the attack of 30 March 2017 in Al-Latamneh, and demands that the Syrian regime immediately cease the use of chemical weapons and that those individuals responsible for the use of chemical weapons be held accountable;

8. *Recalls with grave concern* the investigation by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism and the above-mentioned report of the Commission of Inquiry of 8 August 2017 identifying the Syrian air force as being responsible for the 4 April 2017 sarin gas attack on Khan Shaykhun;

9. *Commends* the work conducted in difficult conditions by the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons and the Organisation for the Prohibition of Chemical Weapons — United Nations Joint Investigation Mechanism, their well-established methodology and the crucial role they play in preserving the Convention for the Prohibition of Chemical Weapons and the chemical non-proliferation regime, welcomes the reports of the Joint

[34] See S/2017/440, annex.
[35] See A/HRC/36/55.

Investigative Mechanism, including its reports of 24 August 2016,[36] 21 October 2016[37] and 26 October 2017,[38] and notes with deep concern its findings that the Armed Forces of the Syrian Arab Republic were responsible for the use of chemical weapons in at least four attacks in the Syrian Arab Republic (Talmenes in 2014, Sarmin in 2015, Qmenas in 2015 and Khan Shaykhun in 2017) and that so-called ISIL (also known as Da'esh) was responsible for two attack in the Syrian Arab Republic (Marea in 2015 and Umm Hawsh in 2016);

10. *Demands* that the Syrian regime adhere fully to its international obligations, including the requirement that it declare in full its chemical weapons programme, with special emphasis on the need for the Syrian Arab Republic to urgently resolve the verified gaps, inconsistencies and discrepancies pertaining to its declaration in respect of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[26] and to eliminate its chemical weapons programme in its entirety as referred to in the report of the Director General of the Organization for the Prohibition of Chemical Weapons dated 22 February 2016[39] indicating that the Technical Secretariat is at present unable to verify fully that the declaration and related submissions of the Syrian Arab Republic are accurate and complete, as required by the Convention and decision EC-M-33/DEC.1 of the Executive Council of the Organization for the Prohibition of Chemical Weapons;[40]

11. *Requests* additional procedures for stringent verification pursuant to article IV, paragraph 8, and article V, paragraph 10, of the Convention, in order to ensure the complete destruction of the Syrian chemical weapons programme and prevent any further use of chemical weapons;

12. *Deplores and condemns in the strongest terms* the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities, the Government-affiliated *shabbiha* militias and those who fight on their behalf, including those deliberately targeting civilians or civilian objects, including attacks on schools, hospitals and places of worship, with heavy weapons, aerial bombardments, cluster munitions, ballistic missiles, barrel bombs, chemical or other weapons and other force against civilians, as well as the starvation of the civilian population as a method of warfare, attacks on schools, hospitals and places of worship, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of peaceful protestors, human rights defenders and journalists, individuals and members of communities on the basis of their religion or belief, arbitrary detention, enforced disappearances, violations of women's and children's rights, forced displacement of members of minority groups and of those opposed to the Syrian regime, unlawful interference with access to medical treatment, failure to respect and protect medical personnel, torture, systematic sexual and gender-based violence, including rape in detention, and ill-treatment;

13. *Strongly condemns* all human rights abuses or violations of international humanitarian law, including the killing and persecution of individuals and members of communities on the basis of their religion or belief, by armed extremists, as well as any human rights abuses or violations of international humanitarian law by non-State armed groups, including those designated as terrorist groups by the Security Council;

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[36] S/2016/738/Rev.1.
[37] S/2016/888.
[38] S/2017/904.
[39] EC-81/HP/DG.1.
[40] Security Council resolution 2118 (2013), annex I.

14. *Deplores and strongly condemns* the terrorist acts and violence committed against civilians by so-called ISIL (also known as Da'esh) and Al-Nusrah Front and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of so-called ISIL (also known as Da'esh), cannot and should not be associated with any religion, nationality or civilization;

15. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by so-called ISIL (also known as Da'esh), in particular sexual and gender-based violence, including the enslavement and sexual exploitation and abuse of women and girls and the forced recruitment, use and abduction of children;

16. *Condemns* the reported forced displacements of the population in the Syrian Arab Republic, including forced displacement of civilians as a result of local truce agreements, as highlighted by the Commission of Inquiry, and the alarming impact thereof on the demography of the country, which amounts to a strategy of radical demographic change initiated by the Syrian authorities, its allies and other non-State actors, calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to war crimes and crimes against humanity, notes that impunity for such crimes is unacceptable, reaffirms that those responsible for such breaches of international law, must be brought to justice, and supports efforts to collect evidence in view of future legal action;

17. *Reminds* the Government of the Syrian Arab Republic of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[41] including its obligation to take effective measures to prevent acts of torture in any territory under its jurisdiction, and calls upon all States parties to the Convention to comply with any relevant obligations under the Convention, including with respect to the extradite or prosecute principle contained in article 7 of the Convention;

18. *Strongly condemns* the reported persistent and widespread use of sexual violence, abuse and exploitation, including in government detention centres, including those run by the intelligence agencies, and notes that such acts may constitute violations of international humanitarian law and violations and abuses of international human rights law, and in this regard expresses deep concern at the prevailing climate of impunity for sexual violence crimes;

19. *Also strongly condemns* all violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape and all other forms of sexual violence, abductions, denial of humanitarian access for children, and attacks on civilian objects, including schools and hospitals, as well as their arbitrary arrest, unlawful detention, torture and ill-treatment and their use as human shields;

20. *Recalls* the statement made by the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic on 21 September 2015 that the Syrian authorities remain responsible for the majority of the civilian casualties, killing and maiming scores of civilians daily, welcomes the most recent report of the Commission of Inquiry of 8 August 2017,[35] reiterates its decision to transmit the reports of the Commission of Inquiry to the Security Council, expresses its appreciation to the Commission of Inquiry for its briefings to members of the Security Council, and requests that the Commission of Inquiry continue to brief the General Assembly and members of the Security Council;

[41] United Nations, *Treaty Series*, vol. 1465, No. 24841.

21. *Reaffirms* the Syrian authorities' responsibility for enforced disappearances, takes note of the assessment of the Commission of Inquiry that the Syrian authorities' use of enforced disappearances amounts to a crime against humanity, and condemns the targeted disappearances of young men and the exploitation of ceasefires as an opportunity to forcibly recruit and arbitrarily detain them;

22. *Demands* that the Syrian authorities, in accordance with their obligations under relevant provisions of international human rights law, including the right to life and right to the enjoyment of the highest attainable standard of physical and mental health, promote non-discriminatory access to health services and respect and protect medical and health personnel from obstruction, threats and physical attacks;

23. *Strongly condemns* all attacks on medical and health personnel, their means of transport and equipment, as well as on hospitals and other medical facilities, deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic, and reaffirms that humanitarian workers and their means of transport, equipment and facilities must be protected in accordance with international humanitarian law;

24. *Expresses its profound concern* about the findings of the Commission of Inquiry in its report on Aleppo,[42] including those suggesting that the offensive against eastern Aleppo in the second half of 2016 involved serious violations and abuses of international human rights law and violations of international humanitarian law by all parties to the conflict, which, according to the Commission, in many cases amounted to war crimes, in particular by the Syrian authorities and their allies, including in the attack on Orum al-Kubra;

25. *Also expresses its profound concern* about the findings contained in the report of the Commission of Inquiry regarding the tragic and relentless level of indiscriminate attacks on civilians in the Syrian Arab Republic, targeted attacks on protected persons and objects, including medical facilities, personnel and transport and blocked humanitarian convoys, as well as enforced disappearances, summary executions and other violations and abuses;

26. *Demands* that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

27. *Also demands* that the Syrian authorities meet their responsibilities to protect the Syrian population;

28. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations and foreign forces fighting on behalf of the Syrian regime, expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region, and further demands that all foreign terrorist fighters, and those who are fighting in support of the Syrian authorities, particularly the Al-Quds Brigades, the Iranian Islamic Revolutionary Guard Corps and militia groups such as Hizbullah, immediately withdraw from the Syrian Arab Republic;

29. *Demands* that all parties immediately put an end to all violations and abuses of international human rights law and violations of international humanitarian law, recalls, in particular, the obligation under international humanitarian law to distinguish between civilians and combatants and the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, further demands that all parties to the conflict take all appropriate

[42] A/HRC/34/64.

steps to protect civilians, in compliance with international law, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, and refrain from militarizing such facilities, seek to avoid establishing military positions in densely populated areas and enable the evacuation of the wounded and all civilians who wish to leave besieged areas, and recalls in this regard that the Syrian authorities bear primary responsibility for protecting its population;

30. *Condemns in the strongest terms* all attacks on protected objects, including indiscriminate and disproportionate attacks and those which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

31. *Recalls* the statements made by the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, indicating that the overwhelming majority of the civilian casualties in the Syrian Arab Republic have been caused by the indiscriminate use of aerial bombardments, demands in this regard that the Syrian authorities immediately cease any attacks on civilians, any disproportionate attacks and any indiscriminate use of weapons in populated areas, and recalls in this regard the obligation to respect international humanitarian law in all circumstances;

32. *Emphasizes* the need for accountability for crimes involving breaches of international law, in particular of international humanitarian law and human rights law, some of which may constitute war crimes or crimes against humanity, committed in the Syrian Arab Republic since March 2011, through fair and independent investigations and prosecutions at the domestic or international level;

33. *Welcomes* the decision of the General Assembly to establish, by its resolution 71/248, the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the recent appointment of the Head of the Mechanism, urges all Member States, parties to the conflict and civil society organizations to cooperate fully with the Mechanism, including through the provision of relevant information and documentation, stresses its mandate to closely cooperate with the Commission of Inquiry, and further urges the Mechanism to make a particular effort to ensure consultation of and cooperation with Syrian civil society organizations;

34. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate fair and independent domestic or international criminal justice mechanisms, in accordance with the principle of complementarity, stresses the need to pursue practical steps towards this goal, and for that reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard;

35. *Welcomes* the voluntary contributions made by Member States to the funding of the Mechanism, invites all Member States to make additional financial contributions to this end, and calls upon the Secretary-General to include the necessary funding for the Mechanism in his next budget proposal;

36. *Also welcomes* the efforts by States to investigate conduct in the Syrian Arab Republic and to prosecute crimes within their jurisdiction committed in the Syrian Arab Republic, and encourages them to continue doing so and to share relevant information between States in accordance with their national legislation and international law, and encourages other States to consider doing the same;

37. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to assume its responsibility for

providing urgent financial support to enable the host countries and communities to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

38. *Calls upon* all members of the international community, including all donors, to fulfil their previous pledges and continue to provide much-needed support to the United Nations, its specialized agencies and other humanitarian actors to provide humanitarian assistance to the millions of Syrians displaced both internally and in host countries and communities;

39. *Welcomes* the efforts of those countries outside the region that have put in place measures and policies to assist and host Syrian refugees, encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, with a view to providing Syrian refugees with protection and humanitarian assistance;

40. *Strongly condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, and in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, stressing that the starvation of civilians as a method of warfare is prohibited under international law, noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard, and deplores the deteriorating humanitarian situation;

41. *Demands* that the Syrian authorities and all other parties to the conflict do not hinder the full, immediate, unimpeded and sustained access of the United Nations and humanitarian actors, including to besieged and hard-to-reach areas, consistent with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2254 (2015), 2258 (2015) and 2332 (2016);

42. *Strongly condemns* practices including abduction, hostage-taking, arbitrary and incommunicado detention, torture, the murder of innocent civilians and summary executions carried out by non-State armed groups and terrorist groups, most notably so-called ISIL (also known as Da'esh) and Al-Nusrah Front, and underlines that such acts may amount to crimes against humanity;

43. *Deplores* the suffering and torture in detention centres throughout the Syrian Arab Republic, as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, as well as in the evidence presented by "Caesar" in January 2014, and in the reports of widespread killing of detainees in Syrian military intelligence facilities, in particular in Mezzeh military airport detention facilities, and Military Security Branches 215, 227, 248 and 291, as well as the reported killing of detainees at military hospitals, including Tishreen and Harasta, expresses deep concern that the regime concealed a mass killing of prisoners at the Seydnaya penitentiary complex, demands that the Syrian authorities immediately release all those unlawfully detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists, and ensure that conditions in detention facilities are consistent with international law, and calls upon the Syrian authorities to publish a list of all detention facilities and to provide information on those they have detained to their families;

44. *Calls for* the appropriate international monitoring bodies to be granted access to detainees in government prisons and detention centres, including all military facilities referred to in the reports of the Commission of Inquiry;

45. *Demands* that all parties take all appropriate steps to protect civilians and persons hors de combat, including members of ethnic, religious and confessional

communities, and stresses that, in this regard, the primary responsibility to protect its population lies with the Syrian authorities;

46. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, bearing in mind the widespread destruction in Palmyra and Aleppo, World Heritage Sites of the United Nations Educational, Scientific and Cultural Organization, as well as the organized looting and trafficking of cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015, and 2347 (2017) of 24 March 2017, and affirms that directing unlawful attacks against sites and buildings dedicated to religion, education, art, science or charitable purposes, or against historic monuments, may constitute, under certain circumstances and pursuant to international law, a war crime;

47. *Welcomes* the efforts of those countries outside the region that have put in place measures and policies to assist and host Syrian refugees, encourages them to do more, and encourages other States outside the region to consider also implementing similar measures and policies, with a view to providing Syrian refugees with protection and humanitarian assistance;

48. *Urges* all parties to the conflict to take all appropriate steps to ensure the safety and security of United Nations and associated personnel, personnel of the specialized agencies and all other personnel engaged in humanitarian relief activities as required by international humanitarian law, without prejudice to their freedom of movement and access, stresses the need not to impede or hinder these efforts, recalls that attacks on humanitarian workers may amount to war crimes, and notes in this regard that the Security Council has reaffirmed that it will take further measures in the event of non-compliance with its resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2234 (2015) and 2258 (2015) by any Syrian party;

49. *Urges* the international community to support the leadership and full and effective participation of women in all efforts aimed at finding a political solution to the Syrian crisis, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2242 (2015) of 13 October 2015;

50. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, reiterates its commitment to the national unity and territorial integrity of the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the final communiqué of the Action Group for Syria of 30 June 2012,[28] consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, with the full and effective participation of women, where there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, and where all citizens receive equal protection, regardless of gender, religion or ethnicity, and further demands that all parties work urgently towards the comprehensive implementation of the final communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions.